

CITY OF ROSENBERG WORKSHOP COUNCIL MEETING MINUTES

On this the 25th day of August, 2015, the City Council of the City of Rosenberg, Fort Bend County, Texas, met in a Workshop Session, in the Rosenberg City Hall Council Chamber, located at 2110 4th Street, Rosenberg, Texas.

PRESENT

Cynthia A. McConathy	Mayor
William Benton	Councilor at Large, Position 1
Amanda J. Barta	Councilor at Large, Position 2
Jimmie J. Pena	Councilor, District 1
Susan Euton	Councilor, District 2
Lisa M. Wallingford	Councilor, District 3
Lynn Moses	Councilor, District 4

STAFF PRESENT

Robert Gracia	City Manager
Scott M. Tschirhart	City Attorney
Linda Cernosek	City Secretary
John Maresh	Assistant City Manager of Public Services
Jeff Trinker	Executive Director of Support Services
Joyce Vasut	Executive Director of Administrative Services
Travis Tanner	Executive Director of Community Development
Tonya Palmer	Building Official
Lisa Olmeda	Human Resources Director
Dallis Warren	Police Chief
Cody Davis	Police Officer
John Thetford	Police Officer
Wade Goates	Fire Chief
Darrell Himley	Assistant Fire Chief
Justin Jurek	Fire Marshal
Darren McCarthy	Parks and Recreation Director
Lydia Acosta	Recreation Program Coordinator
Randall Malik	Economic Development Director
James Lewis	Director of Technology
Jenny Pavlovich	Communications Manager
Luis Garza	Accounting Supervisor
Daniel Kelleher	Main Street Manager
Kaye Supak	Executive Assistant

During a City Council Workshop, the City Council does not take final action on the agenda items and any consideration of final action will be scheduled at a Regular or Special City Council Meeting. Public comments are welcomed at Regular or Special City Council Meetings. No public comments will be received at a Workshop Meeting.

The City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed below, as authorized by Title 5, Chapter 551, of the Texas Government Code.

CALL TO ORDER.

Mayor McConathy called the meeting to order at 6:15 p.m.

AGENDA

1. **REVIEW AND DISCUSS A PRESENTATION ON DIGITAL BILLBOARDS BY LEE VELA OF CLEAR CHANNEL COMMUNICATIONS, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**

Executive Summary: This item has been included to allow for City Council to hear a presentation by Lee Vela of Clear Channel Communications regarding digital billboards.

Key Discussion Points: Cynthia A. McConathy, Mayor, introduced Lee Vela of Clear Channel Outdoor, who gave a presentation on Outdoor Digital Advertising (digital billboards). Digital Billboards have a static message that changes every eight seconds, with controls on light output in accordance with TxDOT regulations. Sign owners coordinate with local officials to display emergency information, such as Amber Alerts, hurricane-related emergency messages, regional FBI alerts, and local crime fighting messages. Clear Channel will remove static billboards at a 3:1 ratio, should this project be approved. The majority consensus of Council was to move forward with an amendment to the existing sign Ordinances, allowing for digital billboards with accompanying regulation language built in.

2. **REVIEW AND DISCUSS PROPOSED POLICY FOR REIMBURSEMENT OF COSTS ASSOCIATED WITH REQUIRED CERTIFICATION OR OTHER TRAINING PROVIDED TO A CITY EMPLOYEE IN THE EVENT THAT THE EMPLOYEE'S EMPLOYMENT SHOULD BE VOLUNTARILY TERMINATED BEFORE COMPLETING A REASONABLE PERIOD OF SERVICE, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**

Executive Summary: Cities often expend time and money providing training to certain newly hired personnel. The resources may be considered well-spent when the employee remains on the job. However, when they give notice and leave soon after they are hired, the City may wish to consider ways to recover the training costs expended on behalf of such employees.

Should City Council agree that reimbursement of costs associated with certification/training is appropriate if an employee does not complete a reasonable period of service, then it will be necessary to develop a policy to address the method of recovery of such funds. Thus, this item has been added to the Agenda to facilitate such discussion and for City Council to provide direction to staff.

Key Discussion Points: William A. Benton, Councilor, gave background on the item, explaining that, in many cases, the City hires employees who go through a training program at the cost of the City, only to move elsewhere quickly upon completion of certification training. He recommended amending the Employee Policies to allow for reimbursement for training costs, should an employee voluntarily terminate employment. Other recommendations during conversation included increasing incentive pay for completion of certification programs, increasing base salaries in line with the compensation study results in order to retain employees, or delaying incentive pay until a certain amount of time has passed after completion of training. The general consensus was to have the City Attorney work with Human Resources to develop policy language to address the concerns of Council.

3. **REVIEW AND DISCUSS THE UTILITIES DEPARTMENT TEMPORARY BUILDING PROPOSAL, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**

Executive Summary: This item has been included to provide City Council with an update on the Utilities Building Project and to solicit direction from City Council.

As part of the Facilities Master Plan Project, the Blue Ribbon Facilities Task Force (Task Force) and City staff toured various City facilities. During the course of these tours, both the Task Force and staff noticed that Utilities employees were officing in the same building that houses high pressure chlorine cylinders, a situation which presented a possible safety risk to the employees in the event of a chlorine release. Utilities staff have since been moved to an open room (primarily used as the break room) in the storage building, an arrangement that is not workable for the medium to long term. At the March 24, 2015 City Council Workshop Meeting, staff presented the City Council with a recommendation to investigate the possibility of acquiring temporary office space in which to house the Utilities employees. City Council directed staff to continue investigating options.

The Utilities Department decided on a portable office concept. The building is a traditional office space including an eight (8) seat conference room, four (4) offices, workstations for up to five (5) employees, a workstation for a secretary, a drafting room with room for a plotter printer/copier, a small breakroom and men's and women's restrooms. The requirements for this office space were determined by the Utilities Department and then incorporated into the design of the building in order to meet the Department's medium term needs. A second building for field personnel was designed and considered

by staff; however, due to cost concerns, staff only recommends the consideration of the single office building concept at this time. Space has been identified in the site plan that would allow for the placement of an additional building should funding be made available at a later time.

Staff interviewed a number of temporary/modular building suppliers and decided to work with Ilcor Builders (Ilcor) to develop a design and price quote for several reasons: 1) Ilcor allows for complete customization as opposed to more limited customization options with the modular companies; 2) Ilcor constructs the buildings onsite as opposed to modules that are manufactured offsite and transported to the location; 3) Lamar Consolidated I.S.D. highly recommended Ilcor buildings and stated that they do not have the maintenance issues with Ilcor that they have experienced with products from other companies. Ilcor is also a member of the BuyBoard purchasing cooperative and offers pre-negotiated prices for services. Staff proposes funding this Project through the utilization of Water/Wastewater Fund balance.

Key Discussion Points: Jeff Trinker, Executive Director of Support Services, read the Executive Summary and presented a proposal for a temporary office building to relocate the utilities staff. John Maresh, Assistant City Manager of Public Services, confirmed that, even after the eventual conversion from chlorine gas to bleach, the showers will still be required by TCEQ. After discussion, Council directed staff to pursue more cost effective means of acquiring building space, such as getting another company's cost quote, or investigating the purchase of a used building.

Mayor McConathy adjourned the meeting for a break at 7:35 p.m., and reconvened the meeting at 7:45 p.m.

4. **REVIEW AND DISCUSS THE FIRE DEPARTMENT ADMINISTRATION BUILDING, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**

Executive Summary: This item has been placed on the Agenda to offer an opportunity for City Council and Fire Department staff to discuss what may be a possible short-term solution to the space needs that currently exist at the Fire Administration's location at 1012 5th Street.

Recently, the Mayor and staff toured a building located at 4336 Highway 36 South. The building is owned by Fort Bend County and is currently vacant. Fort Bend County had planned to raze the building in January of 2016 but may consider staying the demolition to allow the City's Fire Administration to occupy the building.

Staff is seeking City Council's direction as the building is in need of repair and funding was not included in the proposed FY2016 Budget for building repair or relocation costs. Should City Council look favorably upon this proposal to relocate Fire Administration, it will be necessary to ascertain the extent to which the building needs repair, the cost of said repairs, relocation costs, and ongoing operational costs for the new location. Once this information has been gathered, staff will report back to City Council.

Key Discussion Points: Wade Goates, Fire Chief, gave an overview of the space needs of the Fire Department and the possibility of entering into an Interlocal Agreement with Fort Bend County for the use of their building. The building has been inspected by Code Enforcement, which identified some maintenance issues that will need to be addressed before committing resources, but there were no structural issues. The lease agreement for the current Fire Administration building expires in March, 2016. The general consensus of Council was in favor of further investigation into the use of this building, associated costs, and necessary agreements.

5. **REVIEW AND DISCUSS PROPOSED AMENDMENTS TO THE "RENTAL REGISTRATION AND INSPECTION" ORDINANCE, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**

Executive Summary: After discussions with rental property owners, the Fire Department is proposing changes to the "Rental Registration and Inspection" Ordinance to revise the registration requirement from an annual registration to a one-time registration, along with a few other minor administrative adjustments.

A redlined Code excerpt has been included in the agenda packet for review and discussion. Should City Council direct staff to proceed, an ordinance will be brought forward for consideration on a future meeting Agenda.

Key Discussion Points: Justin Jurek, Fire Marshal, read the Executive Summary, and the Councilmembers gave direction on amending the Ordinance before bringing it back before Council for approval.

6. **REVIEW AND DISCUSS PROPOSED AMENDMENTS TO THE "SMOKING" ORDINANCE AS IT RELATES TO CITY PARKS, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**

Executive Summary: At the July 25, 2015 regular meeting, Parks and Recreation Board members made a recommendation requesting staff to pursue an amendment to the City's current "Smoking" Ordinance which would include electronic smoking/vaping devices.

Staff research resulted in unanimous findings from the American Lung Association and the Center for Disease Control, stating concern over lack of government oversight for electronic smoking devices. Further, these organizations widely agree that the products used in electronic smoking devices often contain harmful chemicals which pose serious health risks to children and adolescents. Research also indicates that these devices are often used in conjunction with illegal drugs. On occasion, Parks Department staff has discovered evidence of such illicit use within Rosenberg parks. If parks exist to promote healthy, physical activities then it stands to reason that electronic smoking devices should be included in the City's existing ban on tobacco products, which is in line with the trend among many municipal agencies in Texas and across the country.

Staff is seeking direction from Mayor and City Council on whether or not to proceed with this request. Should City Council direct staff to proceed, a proposed amendment to the "Smoking" Ordinance as it relates to City parks will be placed on a future Agenda for consideration.

Key Discussion Points: Lydia Acosta, Recreation Program Coordinator, read the Executive Summary and gave an overview of recent State legislation passed regarding Electronic Cigarettes, requesting direction from Council as to whether they would like to follow suit. The general consensus of Council was that, if the parks are going to have language against smoking, all forms of smoking should be consistently prohibited, including E-cigarettes.

7. **REVIEW AND DISCUSS UN-MANNED DRONE USE IN CITY PARKS, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**

Executive Summary: At the regular May 28, 2015 meeting, staff presented a discussion item to the Parks and Recreation Board regarding the utilization of un-manned drones in City parks. In June of 2014, the National Park Service publicly announced the ban of all drones in National Parks due to the numerous complaints of drones disturbing visitors, wildlife, and interfering with emergency rescue situations. The House of Representatives has a bill in committee review, HB 1481, to ban drones in specified areas. Some states have already moved forward banning drones in public places. In an effort to protect all who participate in the parks and events held in parks, staff believes it is in the City's best interest to consider taking the necessary steps to ban all personal unmanned drone use in all Rosenberg City parks.

This item has been added to the Agenda to discuss unmanned drone use in City parks and take action as necessary to direct staff.

Key Discussion Points: Darren McCarthy, Parks and Recreation Director, read the Executive Summary and gave an overview of the item. Scott Tschirhart, City Attorney, confirmed that the City has the authority to ban drone use in the parks. Mr. McCarthy stated that he has concerns for preservation of nature and the respect of privacy, but would recommend providing language for the professional use of drones for special circumstances as permitted by Council, such as during a City-sponsored event in one of the parks. The general consensus was to work with the City Attorney to create an Ordinance addressing drone use in City Parks, to be reviewed by the Parks Board in September, and to return to City Council for final approval in October.

8. **REVIEW AND DISCUSS THE PARKS GROUNDS MAINTENANCE CONTRACT, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**

Executive Summary: Currently, the Parks Grounds Maintenance is being provided by A's Camo Cutters. The parks covered by the Contract are Harwood, Brazos, Community, and Riverbend Parks. Resolution No. R-1831 was approved by City Council on October 21, 2014, to provide services for one (1) year with an option for an additional one-year term. Per the current Contract, the extension option for the one-year term is \$40,080.00.

Staff recommends exercising the one-year Contract extension option. This item has been placed on

the Workshop Agenda for City Council to direct staff.

Key Discussion Points: Darren McCarthy read the Executive Summary, and Council advised him to move forward with the contract extension.

9. **REVIEW AND DISCUSS THE SEABOURNE CREEK REGIONAL SPORTS COMPLEX GROUNDS MAINTENANCE CONTRACT, AND TAKE ACTION AS NECESSARY TO DIRECT STAFF.**

Executive Summary: Currently, the Seabourne Creek Regional Sports Complex Grounds Maintenance Contract is being provided by NRI Brokerage, LLC, dba Earth First Landscapes. Resolution No. R-1832 was approved by City Council on October 21, 2014, to provide services for one (1) year with an option for an additional one-year term. Per the current Contract, the extension option for the one-year term is \$52,980.00.

Staff recommends exercising the additional one-year Contract extension option. This item has been placed on the Workshop Agenda for City Council to direct staff.

Key Discussion Points: Darren McCarthy read the Executive Summary and addressed the single concern that happened with the contractor, which was immediately and fully rectified. Council advised him to move forward with the contract extension.

10. **ADJOURNMENT.**

There being no further business, Mayor McConathy adjourned the meeting at 8:35 p.m.


Linda Cernosek, TRMC, City Secretary